

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN WATER WORKS
ASSOCIATION and ASSOCIATION
OF METROPOLITAN WATER
AGENCIES,

Petitioners,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY and LEE M. ZELDIN, in his
official capacity as EPA Administrator,

Respondents.

No. 24-1188 (consolidated with
Nos. 24-1191, 24-1192)

**JOINT MOTION TO ESTABLISH
BRIEFING FORMAT AND SCHEDULE**

Pursuant to Federal Rule of Appellate Procedure 27 and Circuit Rule 27, and consistent with this Court’s September 12, 2025 order (Doc. 2134580), Petitioners, Respondents, and Respondent-Intervenors respectfully move this Court to enter the proposed schedule herein to govern future proceedings in the above-captioned consolidated cases.

1. As explained in greater detail in the most recent Joint Motion to Govern, *see generally* Doc. 2134361 (Sep. 10, 2025), these consolidated cases were

placed in abeyance before the completion of briefing and scheduling of oral argument, pursuant to the terms of this Court's order dated February 7, 2025. *See* Doc. 2099658. The abeyance continued through July 21, 2025. *See* Doc. 2110289 (April 10, 2025 Clerk's Order); Doc. 2115832 (May 14, 2025 Clerk's Order); Doc. 2119400 (June 4, 2025 Clerk's Order).

2. On May 14, 2025, Respondent EPA publicly announced its intention to rescind certain of the regulations and reconsider the regulatory determinations in the agency action challenged in these consolidated cases. *See* EPA Press Office, *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS* (May 14, 2025), <https://perma.cc/5QHK-G5PA>; *see also* Doc. 2134361 at ¶ 5.

3. On July 21, 2025, Respondents moved to remove the consolidated cases from abeyance and requested an order directing the parties to submit a schedule and format for completion of briefing by August 1, 2025. *See* Doc. 2126542. This Court granted that motion on July 22, 2025. *See* Doc. 2126755.

4. On August 1, 2025, Respondents filed a Joint Motion to Govern, wherein Respondents noted their intention to file either a motion or letter with the Court clarifying their position in this litigation and proposed a briefing schedule that took into account that then-forthcoming filing from Respondents. *See* Doc. 2128362. The Court ordered the parties to file motions governing future proceedings by September 10, 2025. *See* Doc. 2129115.

5. On September 10, 2025, Respondents filed a Joint Motion to Govern, wherein the parties requested a deadline of September 12, 2025 to file a proposed briefing schedule. *See* Doc. 2134361.

6. On September 11, 2025, Respondents filed a Motion for Partial Vacatur, wherein they have moved for this Court to vacate certain portions of the agency action challenged in these consolidated cases. *See* Doc. 2134523. Respondents noted to the Court that Petitioners consent to the motion and that Respondent-Intervenors oppose the motion and intend to file a response.

7. On September 12, 2025, the Court granted the Joint Motion to Govern, ordering parties to file a joint proposed briefing format and schedule on September 12, 2025. *See* Doc. 2134580.

8. Respondent-Intervenors are in the process of evaluating Respondent EPA's September 11, 2025, Motion for Partial Vacatur, Doc. 2134523, and preliminarily anticipate that they may seek leave to file a revised brief as a request for affirmative relief in their response to EPA's motion. If they do, that request and the other parties' responses thereto will address the format for such a brief, and all parties reserve all of their potential arguments related to such a request. To reduce the likelihood of additional future changes to the briefing schedule, the proposed schedule accommodates the possibility that Respondent-Intervenors may seek

affirmative relief in their response to EPA's motion and includes a provisional deadline for such a revised brief.

9. Petitioners, Respondents, and Respondent-Intervenors have conferred among themselves and jointly agreed to the briefing schedule proposed below, which takes into account Respondents' Motion for Partial Vacatur and some parties' intention to respond to or seek affirmative relief related to the motion, as well as the need for prompt resolution of merits briefing in these consolidated cases:

Filing	Deadline
Responses to Respondents' Motion for Partial Vacatur, including any consolidated motion for affirmative requests for relief related thereto	September 26, 2025
Respondents' consolidated reply in support of the Motion for Partial Vacatur and response to any motion for affirmative relief	October 10, 2025
Other parties' responses to motions for affirmative relief related to the Motion for Partial Vacatur, if any	October 10, 2025
Replies in support of motions for affirmative relief related to the Motion for Partial Vacatur, if any	October 22, 2025
Respondent-Intervenors' revised brief, if Respondent-Intervenors seek leave to file a revised brief and the Court grants leave to do so, <i>or</i> Respondent-Intervenors' proposed revised brief, if the Court has not yet acted on Respondent-Intervenors' motion for leave to file a revised brief	November 7, 2025
Reply Brief for Petitioners in No. 24-1188 Reply Brief for Petitioners in Nos. 24-1191 and 24-1192	December 5, 2025
Deferred Joint Appendix	December 12, 2025
Final Briefs	December 19, 2025

10. The parties to these consolidated cases respectfully request that this Court enter a scheduling order establishing the briefing schedule outlined above.

Date: September 12, 2025

Adam R.F. Gustafson
Acting Assistant Attorney General

Robert Stander
Deputy Assistant Attorney General

/s/ Kimere J. Kimball
Kimere J. Kimball
U.S. DEPARTMENT OF JUSTICE
ENV'T AND NATURAL RESOURCES DIV.
P.O. Box 7611
Washington, DC 20044
(202) 515-2285 (Kimball)
Kimere.Kimball@usdoj.gov
Counsel for Respondents

/s/ Katherine K. O'Brien
Katherine K. O'Brien
EARTHJUSTICE
P.O. Box 2297
South Portland, ME 04116
kobrien@earthjustice.org
(212) 284-8036

Suzanne Novak
Hillary Aidun
EARTHJUSTICE
48 Wall Street, 15th floor
New York, NY 10005
(212) 823-4981
(212) 284-8040
snovak@earthjustice.org
haidun@earthjustice.org
*Counsel for Respondent-Intervenors
Buxmont Coalition for Safe Water, Clean
Cape Fear, Clean Haw River,
Concerned Citizens of WMEL Water*

Respectfully submitted,

/s/ Corinne V. Snow
Corinne V. Snow
VINSON & ELKINS LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington DC 20037
csnow@velaw.com
Phone: (202) 639-6622
Fax: (917) 879-8998
*Counsel for Petitioners American
Water Works Association and
Association of Metropolitan Water
Agencies (Case No. 24-1188)*

/s/ Tobias S. Loss-Eaton
Gordon D. Todd
Tobias S. Loss-Eaton
SIDLEY AUSTIN LLP
1501 K Street NW
Washington DC 20005
tlosseaton@sidley.com
(202) 736-8711

Michael B. Kimberly
WINSTON & STRAWN LLP
1901 K Street NW
Washington, DC 20006
mkimberly@winston.com
(202) 282-5096
*Counsel for Petitioners National
Association of Manufacturers and
American Chemistry Counsel
(Case No. 24-1191)*

*Authority Grassroots, Environmental
Justice Task Force, Fight for Zero,
Merrimack Citizens for Clean Water,
and Newburgh Clean Water Project*

/s/ Jared J. Thompson

Jared J. Thompson
NATURAL RESOURCES DEFENSE COUNCIL
40 West 20th Street
New York, NY 10011
(202) 513-6249
jared.thompson@nrdc.org

Karen Chen
NATURAL RESOURCES DEFENSE COUNCIL
111 Sutter Street, 21st Floor
San Francisco, CA 94104
(415) 875-8261
kchen@nrdc.org
*Counsel for Respondent-Intervenor
Natural Resources Defense Council*

/s/ Allon Kedem

Allon Kedem
ARNOLD & PORTER KAYE SHOLER LLP
601 Massachusetts Avenue NW
Washington, DC 20001
(202) 942-5000
allon.kedem@arnoldporter.com
*Counsel for Petitioner The Chemours
Company FC, LLC (Case No. 24-
1192)*

CERTIFICATE OF COMPLIANCE

1. This motion complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2) because it contains less than 5,200 words, excluding the parts exempted by Federal Rules of Appellate Procedure 32(f) and 27(d)(2).

2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6), because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font.

Date: September 12, 2025

/s/ Corinne V. Snow

Corinne V. Snow
VINSON & ELKINS LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington DC 20037
csnow@velaw.com
Phone: (202) 639-6622
Fax: (917) 879-8998

*Counsel for Petitioners American Water
Works Association and Association of
Metropolitan Water Agencies (Case No.
24-1188)*

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 25, I hereby certify that on September 12, 2025, I electronically filed the foregoing document with the Clerk of the Court for the U.S. Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system, and served copies of the foregoing via the Court's CM/ECF system on all ECF-registered counsel.

Date: September 12, 2025

/s/ Corinne V. Snow

Corinne V. Snow
VINSON & ELKINS LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington DC 20037
csnow@velaw.com
Phone: (202) 639-6622
Fax: (917) 879-8998

*Counsel for Petitioners American Water
Works Association and Association of
Metropolitan Water Agencies (Case No.
24-1188)*